

10/02/02 10:17

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THEODORE J. GORDON, JR.

Plaintiff,

v. : CIVIL ACTION NO. L-02-2577

ROBERT MUELLER, DIRECTOR
Federal Bureau of Investigation

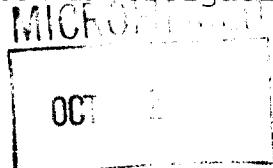
Defendant.

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MOTION TO SUBSTITUTE AND DISMISS

The United States, by Thomas M. DiBiagio, United States Attorney for the District of Maryland, and Allen F. Loucks, Assistant United States Attorney moves the Court for an Order pursuant to 28 U.S.C. § 2679(b) substituting the United States as the proper defendant in this action. The United States further moves that plaintiff's complaint be dismissed in its entirety pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction, inasmuch as plaintiff has failed to allege that he has exhausted administrative remedies available to him. In support thereof, defendant states the following:

1. Plaintiff filed a civil complaint in the District Court of Maryland for Washington County against Robert Mueller, Director of the Federal Bureau of Investigations ("FBI"), an employee of the



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JFM

Case Dismissed
To exhaust administrative
remedies and as frivolous.
B. UPS
10/2/02

① Motion Granted
② Clerk is to close
case
10/2/02
MJD